NO. 71416

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUL 06 2004

Returned to applicant for correction

Corrected application filed

Map filed JUL 06 2004

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The applicant **U.S.D.I. Bureau of Land Management, Elko Field office** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **Cottonwood spring drainage**

2. The amount of water applied for is **0.69** second feet.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for **Other**

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kind of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks") **Wildlife (In-stream flow)**

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point **Cottonwood spring is diverted from its channel in Lot 10, Section 4, T.36N., R.70E, MDM or at a point from which the SE corner of Section 9, T.36N., R.70E., MDM bears S. 15°43'53" E., a distance of 7658 feet. The water from Cottonwood spring drainage would be left in channel below this point of diversion for in situ use.**

6. Place of Use **Lot 10, Lot 13, and Lot 14, Section 4, T.36N., R.70E., MDM. The water will be left in the channel at these places of use.**

7. Use will begin about **January 1** and end about **December 31** of each year.

8. Description of proposed works **The water applied for is not diverted, it is left in the channel for in situ use. There are no works of man involved.**

9. Estimated cost of works **N/A**

10. Estimated time required to construct works **N/A**

11. Estimated time required to complete the application of water to beneficial use **One year**

12. Remarks: **Cottonwood spring drainage provides habitat for a diversity of wildlife species which include: mule deer, elk, antelope, upland game birds, small mammals, passerine birds, waterfowl, raptors, amphibians, reptiles and invertebrates. The minimum flow of 0.69 CFS is necessary to provide wildlife water. In addition, the minimum flow is**

necessary to maintain riparian vegetation along the creek. Riparian vegetation is vital for providing habitat to wildlife and for maintaining the aesthetic quality of the area. (Continued on to next page.)

By **s/ Helen Hankins**
3900 E Idaho St.
Elko, NV 89801

Compared sg/sam bcm/ gkl
Protested

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the 0.69 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Quarterly records shall be kept of the amount of water flowing from this source and submitted to the State Engineer within 15 days after the end of each calendar quarter

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(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount, which can be applied to beneficial use, and not to exceed **0.69** cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before:
April 28, 2007

Proof of completion of work shall be filed on or before:
May 28, 2007

Water must be placed to beneficial use on or before:
April 28, 2009

Proof of the application of water to beneficial use shall be filed on or before:
May 28, 2009

Map in support of proof of beneficial use shall be filed on or before:
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **28th** day of **April**, A.D. **2006**

Hugh Ricci, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

(Continued from No. 12 Remarks)

Cottonwood spring drainage is perennial and flow data from the City of Wendover, Utah, Pilot Peak spring study shows that at least 1.54 CFS (692 gpm) flowed from May to October in 1997 (See Table 3-1, Flow Measurements for Pilot Peak Springs, Cottonwoods). This flow was restricted by the size of pipe and diversion structure. The BLM has made two measurements on the Cottonwood Springs. On May 3, 2002, Cottonwood Spring had a discharge of 2.46 CFS and Little Cottonwood Spring had a discharge of 0.022 CFS. On June 16, 2004, Cottonwood spring was flowing about 1.375 CFS and Little Cottonwood spring was dry. The low flows are most likely due to drought conditions and decreased snow pack to recharge the spring. Total appropriated amount for Cottonwood springs (including Little Cottonwood Spring) is 0.683 CFS. Using the 1.375 CFS measured flow, there is a remaining 0.692 CFS which is not appropriated.